



Michigan Supreme Court

State Court Administrative Office

Court Services Division

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Courts and Covid-19 – Building Capacity

What You Can Do Now

There are functions that court leaders and staff can be doing now, even remotely, to build capacity for an eventual return to full operations. The list below includes information to consider when establishing plans for the future, while simultaneously maintaining essential functions and expanding use of remote proceedings.

1. Identify what staff persons, including judges, are remaining on site during the “Stay at Home” order. This can include county clerk staff, friend of the court staff, district court probation officers, and juvenile court probation staff.
 - a. Identify how incoming telephone calls are handled.
 - b. Identify how the daily mail is being opened and processed.
 - c. Identify how the date of filing is being preserved.
 - d. Implement safety precautions in place for employees handling the mail.
 - i. Gloves, masks, 6 feet of distance between workers, etc.
 - ii. Who is responsible for entering new cases in the case management system?
2. Establish a process for triaging documents to determine priority for further action.
3. Run Reports to determine
 - a. Cases that do not have a “next action date” to assist in rescheduling adjournments.
 - b. Cases that are pending to assist in creating dockets.
4. Begin to reschedule any adjourned jury trials or hearings for a date certain. The length of adjournment can be based upon the individual needs of the trial court.
 - a. Re-schedule scheduling, settlement conferences, and jury trials.
 - b. Dates that need any further adjournments can be done on an ad hoc basis.
 - c. Determine how to notify jurors already summoned that their service is postponed.
5. Determine what functions staff will perform while on site.
 - a. Document the essential duties for each department.
 - b. Identify non-essential but important duties as the first items to be addressed when returning back to full-service.
 - c. Identify the remaining non-essential items that will bring your court back to full-service.

6. Determine what functions staff will perform remotely.
 - a. Identify what essential and non-essential functions staff can perform remotely.
 - b. Identify what types of equipment and services are necessary to process work remotely.
 - i. Laptops or desktops.
 - ii. Remote access to a case management system.
 - iii. Security for connections.
 - iv. IT assistance.
 - c. Develop a communications plan for employees working remotely to ensure that their equipment is operating properly and determine whether additional resources are needed to continue remote work.
7. Review dockets for all judges, magistrates, and referees for the next 60 days to determine how to allocate resources and re-schedule events.
 - a. Identify the events that can be conducted remotely and verify that IT support will be available when/if technical issues arise.
 - b. Review – [Standards, Guidelines & Best Practices for Virtual Courtroom](#) and – [Standards for Videoconferencing Technology](#) to determine which proceedings can be conducted by remote/video conferencing.
8. Consider ADR/Triage options and determine which options are likely to resolve cases.
 - a. Courts have the authority to order civil and domestic relations cases to ADR under MCR 2.410, 2.411, and 3.216. Mediators are available to mediate via tele-conference, or other online means.
 - b. Community Dispute Resolution Program centers statewide (except Washtenaw and Livingston Counties) are “open” to mediate by tele-conference or Zoom.
 - c. District courts in 17 [counties](#) can direct parties to MI-Resolve to have them attempt to resolve their dispute through the new online platform.
 - d. Assess how case evaluation may be conducted online.
 - e. Under new MCR 2.411(H), upon stipulation of the parties, the court may appoint “discovery mediators.”
 - f. Mediation / Conciliation Docket – cases that can be mediated (conciliation is for family division) to draft a consent order/judgment
 - g. Consider using early scheduling/settlement conferences to triage cases to determine what next steps are available to settle cases.
 - h. Promote increased use of Conditional Dismissals pursuant to MCR 2.602(C) for resolution of civil cases.
9. Maximize the use of quasi-judicial officers under applicable statutes and court rule to fully benefit the court and update local administrative orders (LAOs) accordingly.
10. Continually assess options for addressing existing backlog of cases and potential influx of new cases.
11. Review the [Supreme Court Administrative Orders](#) and the [memorandum](#) from the State Court Administrator.